

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 13

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---

Ex parte CLAYTON S. DEPUE

---

Appeal No. 1998-1696  
Application No. 08/562,197

---

ON BRIEF

---

Before KRASS, JERRY SMITH, and RUGGIERO, Administrative Patent Judges.

KRASS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 2 through 12, 14 and 15, all of the claims remaining in the application.

Appeal No. 1998-1696  
Application No. 08/562,197

The invention is directed to a multiplexer device for enabling more than one line telephone service provided on two conductor analog subscriber telephony lines to be multiplexed over a single existing interior conventional two conductor wire and demultiplexed at the terminal subscriber location to more than one analog two conductor subscriber lines.

Independent claim 15 is reproduced as follows:

15. A system for increasing the capacity of preexisting subscriber lines located within a subscriber's premises comprising:

at least two external analog telephone subscriber lines supplied by a telephone service provider including data, voice, and control signals;

a master multiplexer subscriber line unit located external to said subscriber's premises comprising:

at least two frontend electronic connections to said at least two external analog telephone subscriber lines supplied by the telephone service provider;

multiplexing and demultiplexing circuitry for data voice communications for said at least two external analog telephone subscriber lines;

detection and generation circuitry for analog telephone signaling and control;

an interior preexisting conventional two conductor telephone wire;

a slave demultiplexer subscriber line unit located within said subscriber's premises comprising:

Appeal No. 1998-1696  
Application No. 08/562,197

at least two output electronic connections for the generation of signals for two internal analog telephone subscriber lines for connection to analog terminal subscriber equipment;

multiplexing and demultiplexing circuitry for data voice communications for said at least two internal analog telephone subscriber lines;

AC power supply provided by said subscriber;

detection and generation circuitry for analog telephone signaling and control, and

wherein said at least two external analog telephone subscriber lines supplied by a telephone service provider are functionally connected to said analog terminal subscriber equipment through said master multiplexer, multiplexed across said interior preexisting conventional two conductor telephone wire, received by said slave multiplexer and connected to said at least two internal analog telephone subscriber lines thereby increasing the internal preexisting line capacity without physically adding additional lines internally.

The examiner relies on the following references:

|                                |           |               |
|--------------------------------|-----------|---------------|
| Williamson et al. (Williamson) | 4,999,613 | Mar. 12, 1991 |
| Fry et al. (Fry)               | 5,140,630 | Aug. 18, 1992 |
| Yeh                            | 5,347,164 | Sep. 13, 1994 |

Claims 2 through 12, 14 and 15 stand rejected under 35 U.S.C. § 103. As evidence of obviousness, the examiner cites Fry with regard to claims 2 through 7, 9 through 12 and 15, adding Williamson with regard to claim 8 and adding Yeh to Fry with regard to claim 14.

Appeal No. 1998-1696  
Application No. 08/562,197

Reference is made to the brief and answer for the respective positions of appellant and the examiner.

#### OPINION

At the outset, we note that, in accordance with appellant's grouping of the claims at page 5 of the brief, all claims stand or fall together. Accordingly, we consider only independent claim 15.

We reverse.

We have reviewed the evidence in the case including, inter alia, the arguments by appellant and the examiner, as well as the Randolph, Rightmyer and Taplett affidavits, and conclude therefrom that the examiner has failed to establish a prima facie case of obviousness with regard to the instant claimed subject matter. Accordingly, the three affidavits need not be considered.

First, independent claim 15 recites, inter alia, that the slave demultiplexer subscriber line unit comprises "AC power supply provided by said subscriber." While the examiner

recognizes that Fry does not disclose such an AC power supply, the examiner contends that it would have been obvious to provide for such a power supply "in order to reduce the cost of hauling power all the way from a central office" [Answer-page 5]. We disagree. Since the main line equipment 23 of Fry is apparently not within the customer's (subscriber's) premises and, in any event, certainly not accessible by the subscriber, there would have been no reason in Fry to supply an "AC power supply provided by said subscriber," as claimed. We would note, in passing, however, that the claimed AC power supply provided by the subscriber is never recited, in claim 15, as being connected to anything.

Moreover, and more importantly, it is clear from claim 15 that the arrangement of the claimed elements are as shown in Figure 1. That is, the external telephone subscriber lines (14, 15, 16) supplied by the service provider are functionally connected to the terminal subscriber equipment (40, 42, 44, 46) "through said master multiplexer, multiplexed across said interior preexisting conventional two conductor telephone

wire, received by said slave multiplexer and connected to said at least two internal analog telephone subscriber lines thereby increasing the internal preexisting line capacity without physically adding additional lines internally" [emphasis ours], as claimed. Clearly, as shown in Fry's Figure 4, even given the examiner's interpretation of box 22 as the "master multiplexer" and box 23 as the "slave multiplexer," there does not exist, in Fry, the functional connection recited by claim 15. The interior preexisting conventional two conductor telephone wire would appear to be shown, in Fry, as lines 20' and 21'. Yet, these lines are not located intermediate the master multiplexer and the slave multiplexer, as claim 15 would require. Also, the functional connection recited in the last paragraph of claim 15 makes it clear that the slave multiplexer subscriber line unit is within the subscriber's premises because the slave multiplexer is downstream from the interior preexisting telephone wire relative to the master multiplexer.

Since Fry is deficient in these specifically claimed limitations and we find no logical reason, within the meaning of 35 U.S.C. § 103, to modify Fry in any way so as to arrive

Appeal No. 1998-1696  
Application No. 08/562,197

at the instant claimed subject matter, we will not sustain the rejection of claims 2 through 12, 14 and 15 under 35 U.S.C. § 103. We note, with regard to claims 8 and 14, that Williamson and Yeh, respectively, do not supply the deficiencies noted supra with regard to Fry.

While we have reversed the rejections of the claims because, in our view, no prima facie case of obviousness was satisfactorily established by the examiner, we note, for completeness, that we do not agree with appellant's contention that there is no teaching of pre-existing interior telephone lines in Fry. It would appear to us that lines 20' and 21' are such interior telephone lines. But, even if not, it would have been well known to artisans that subscriber's premises all have

the recited pre-existing interior telephone lines.

Appeal No. 1998-1696  
Application No. 08/562,197

The examiner's decision is reversed.

REVERSE

|                             |   |                 |
|-----------------------------|---|-----------------|
| ERROL A. KRASS              | ) |                 |
| Administrative Patent Judge | ) |                 |
|                             | ) |                 |
|                             | ) |                 |
|                             | ) |                 |
|                             | ) |                 |
| JERRY SMITH                 | ) | BOARD OF PATENT |
| Administrative Patent Judge | ) | APPEALS AND     |
|                             | ) | INTERFERENCES   |
|                             | ) |                 |
|                             | ) |                 |
|                             | ) |                 |
| JOSEPH F. RUGGIERO          | ) |                 |
| Administrative Patent Judge | ) |                 |



Appeal No. 1998-1696  
Application No. 08/562,197

rwk

LACASSE & ASSOCIATES  
RANDY W. LACASSE  
2001 JEFFERSON DAVIS HWY  
SUITE 806  
ARLINGTON, VA 22202